

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KAMBRA BRESLIN, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

V.

THE RDI CORPORATION,

Defendant.

) Case No. 1:24-CV-00279-JPH

$$\vdots$$

) Hon. Jeffery P. Hopkins

$$\vdots$$

)

$$\vdots$$

)

$$\vdots$$

)

•

)

Named Plaintiffs Kambra Breslin, Kelsey Jackson, and Chad Brown and Defendant The RDI Corporation (collectively, the “Parties”), pursuant to section 16(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. 216(b), hereby jointly stipulate and agree to the issuance of notice to potential opt-in plaintiffs and to toll the statute of limitations for putative plaintiffs in the limited fashion outlined below. The Parties request that the Court approve the enclosed notice. Subject to approval by the Court, the Parties will provide notice to the potential opt-in plaintiffs in accordance with the following:

1. The Parties stipulate to the provision of notice to the putative plaintiffs, who are defined as:

All current and former hourly Call Center Customer Service Representatives employed by The RDI Corporation between May 14, 2021 and the present who have not entered into an agreement to arbitrate claims for unpaid overtime against The RDI Corporation.

2. The Parties have agreed that Plaintiffs' counsel may send notice to putative plaintiffs via First Class, U.S. mail and email. The Parties have agreed on the form of each notice and consent form, which are attached hereto as Exhibit 1.

3. Within forty-five (45) calendar days of the approval of this stipulation by the Court, Defendant will produce to Plaintiffs' counsel a list (in Microsoft Office Excel format) containing the name, last known home address (including zip code), last known email address,¹ and dates of employment for all current and former employees who fall within the putative plaintiff definition set forth in paragraph 1 above.

4. Within fourteen (14) calendar days of receipt of the data referred to in paragraph 3, Plaintiffs will send notice to putative plaintiffs via First Class U.S. mail and email. Plaintiffs' counsel will advise Defendant's counsel when the notices are sent.

5. The Parties agree that a sixty (60) day opt-in period is appropriate.

6. Counsel for the Parties shall not contact any of the potential opt-in plaintiffs for the purpose of discussing their participation in this lawsuit through the end of the opt-in period, except that Plaintiffs' counsel may: (1) respond to inquiries from the prospective plaintiffs during this time; (2) contact prospective plaintiffs to obtain an updated mailing and/or email address if their notice is returned as undeliverable; and (3) contact the prospective plaintiffs after they have opted in. Likewise, counsel shall not contact any of the potential opt-in plaintiffs for any purpose not specified in this paragraph, including for purposes of discussing any other potential lawsuit or claim. This restriction shall survive the termination of this lawsuit.

7. To mitigate the risk of potential prejudice to putative opt-in plaintiffs who have yet to receive notice, the Parties are agreeable to tolling the applicable statute of limitations period

¹ For any current and/or former employees of Defendant for whom Plaintiffs' counsel and/or the Notice Administrator receives notice that U.S. mail and/or e-mail methods of delivery of Notice were insufficient (*i.e.*, returned as undeliverable), Defendant will provide to Plaintiffs' counsel, within three (3) business days of receiving the aforementioned notice, last known phone numbers, and Plaintiffs' counsel or the Notice Administrator may contact such individuals only to obtain an updated mailing and/or email address as provided in paragraph 6.

from the date the Parties file this joint stipulation, November 25, 2024, through the date Defendant's counsel provides the putative plaintiffs' data as set forth in paragraph 3 for any putative plaintiffs who join this lawsuit after receiving Notice.

8. By entering into this stipulation, Defendant does not waive any claims or defenses, or any arguments concerning whether any individuals who opt into the case are similarly situated and/or whether the matter can proceed as an action pursuant to the FLSA, 29 U.S.C. § 216(b).

9. Within thirty (30) days of the close of the opt-in period, the Parties will schedule mediation and file a Joint Status Report to the Court providing the name of the Parties' selected mediator and the date of the mediation.

Dated:

/s/ Jason J. Thompson

Jason J. Thompson (Pro Hac Vice)
Alana A. Karbal (Pro Hac Vice)
SOMMERS SCHWARTZ, P.C.
One Towne Square, 17th Floor
Southfield, Michigan 48076
Telephone: 248-355-0300
jthompson@sommerspc.com
akarbal@sommerspc.com

Robert E. DeRose (OH Bar No. 0055214)
BARKAN MEIZLISH DEROSE COX, LLP
4200 Regent Street, Suite 210
Columbus, OH 43219
Telephone: 614-221-4221
bderose@barkanmeizlish.com

*Attorneys for Plaintiffs and the Putative
Collective/Class Members*

Respectfully submitted,

/s/ Ryan M. Martin

Ryan M. Martin (0082385)
Anthony P. McNamara (0093670)
Timothy C. Dougherty (0093924)
Jackson Lewis P.C.
201 E. Fifth Street, 26th Floor
Cincinnati, OH 45202
(513) 898-0050
(513) 898-0051 (fax)
ryan.martin@jacksonlewis.com
anthony.mcnamara@jacksonlewis.com
timothy.dougherty@jacksonlewis.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2024, the foregoing **JOINT STIPULATION TO ISSUE NOTICE TO POTENTIAL OPT-IN PLAINTIFFS AND TOLL STATUTE OF LIMITATIONS FOR PUTATIVE PLAINTIFFS** was filed electronically with the Court's CM/ECF system. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system.

Jason J. Thompson (Pro Hac Vice)
Alana A. Karbal (Pro Hac Vice)
SOMMERS SCHWARTZ, P.C.
One Towne Square, 17th Floor
Southfield, Michigan 48076
Telephone: 248-355-0300
jthompson@sommerspc.com
akarbal@sommerspc.com

Robert E. DeRose (OH Bar No. 0055214)
BARKAN MEIZLISH DEROSE COX, LLP
4200 Regent Street, Suite 210
Columbus, OH 43219
Telephone: 614-221-4221
bderose@barkanmeizlish.com
*Attorneys for Plaintiffs and the Putative
Collective/Class Members*

/s/ Ryan M. Martin
Ryan M. Martin